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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,705	06/29/2001	Hao A. Chen	3063.0398-01	3770

22852 7590 06/18/2003

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EXAMINER

DIXON, MERRICK L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO. <u>AS</u>
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EXAMINER

ART UNIT	PAPER NUMBER <u>10</u>
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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on Rec'd Filed 4/4/03

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-5, 7, 9-13, 30-53, 14-29, 54-59 is/are pending in the application.

Of the above, claim(s) 14-29 and 54-59 is/are withdrawn from consideration.

☒ Claim(s) ~~14-29 and 54-59~~ 1-5, 7, 9-13 and 30-53 is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152


MERRICK DIXON
PRIMARY EXAMINER

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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Claims 1-5,7 and 9-59 are pending.

Claims 1-5,7,9-13 and 30-53 are allowed.

Claims 14-29 and 54-59, remain withdrawn.

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Applicant's arguments filed 4-4-0-3 have been fully considered but they are not persuasive. Applicant argues that if the product claims were found to be allowable, the claims must be rejoined per MPEP 821.04. The examiner agrees. However, this is not the case in the instant application. Applicant in claim 1, recites a "wear layer" while in claim 14, containing process limitations, recites a "resistant layer. Likewise, independent process claim 54, recites a "resistant layer". Additionally, independent claim 54 recite aluminum oxide with different weight percent than that claim in claim 1. It is obvious from applicants' use of the phrase, "and/or" when referring to the layers that they are not chemically or physically alike. According⁹ the process claims are directed to separate and distinct limitations from those of the article. MPEP 821.04 does not apply in the instant case.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Crystal Plaza Three Fax Center

A facsimile center has been established in Crystal Plaza 3. The hours of operations are Mondays through Friday, 8:45 to 4:45 PM. This new location should be used in all instances when faxing any correspondence to Group 1700. The Patent Examining Fax Center new telecopier numbers are (703) 305-3599 for all After Finals and 703-305-5408 for all others. Use of the new Crystal Plaza 3 center will facilitate rapid delivery of materials to the group. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **New!** Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can now do so by using the Examiner Dixon's personal fax number at 703-872-9514. **NOTE: All**

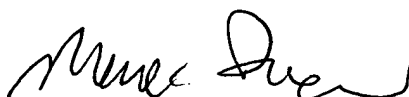
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facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal. Same facsimiles will not be entered in the related applications unless otherwise noted by the examiner.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703)308-0661.

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Any questions concerning the instant communication should be directed to Examiner Dixon, at 703-308-0013, Mondays to Thursdays, between 12 noon and 8 PM, eastern time .



Merrick Dixon

Primary Examiner

Group 1700